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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,637	06/02/2000	KALEVI AHOLA	027566-016	7880

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ERICSSON INC.
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EXAMINER

FULTS, RICHARD C

ART UNIT PAPER NUMBER

3628

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,637

Applicant(s)

AHOLA, KALEVI

Examiner

Richard Fults

Art Unit

3628

mw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3628

DETAILED ACTION

1. An amendment has been entered on March 26, 2004 and claims 1-20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al (US 5,884,292 A) (hereinafter Baker) in view of Hayashida (EP 0 768 628 A2).

Baker discloses (see columns 1-8), either explicitly or through obviousness or through the inherency of the detailed mechanical steps required to reach any of the outcomes described, all the steps, methods, systems, or apparatus for accessing an intelligent network loading service through a user interface operationally connected to the intelligent network, accomplishing the loading of a requested amount of balance into a user account of an individual user by means of the user interface and the intelligent network loading service by decreasing the requested amount from a record in the intelligent network indicating an amount of prepaid balance which the individual user has paid beforehand by buying a voucher or similar which the record shows as being dedicated to the voucher or similar, loading a corresponding amount of balance into the user account of the individual authorized user requesting the loading operation, a

Art Unit: 3628

telecommunications network, an intelligent network provided in connection with the telecommunications network wherein the intelligent network is provided with user accounts for the individual users of the telecommunications network enabling prepaid calls for the users, a user interface for accessing the intelligent network service through the telecommunications network, a record in the intelligent network indicating an amount of prepaid balance which an individual user has paid beforehand by buying a voucher or similar with the record being dedicated to the voucher or similar, loading service means implemented in the intelligent network for accomplishing a loading of a user account of said individual user with units deducted from the record and enabling further communication through the telecommunications network wherein the arrangement is such that the loading can be requested by the user interface of the individual user, user accounts for individual users of the at least one telecommunications network wherein each of the accounts enables prepaid calls for individual users with one account being dedicated to one individual user, loading service means for accomplishing a loading of the user account of the individual user with units (money) deducted from the record and enabling further communication through the telecommunications network wherein the arrangement is such that the loading is requested by a user interface of the individual user, a communications network providing communications services including a computer for storing in a database thereof records assigned to the users of the communications network which records comprise a subscription number record and a prepaid calling card number record including user accounts containing a prepaid monetary value for time payments of calls and/or services and a voucher record being arranged for adding a given amount into the user accounts or into converting accounts of the user which are indented for other purposes than for calling, a plurality of communications terminals having an access to the communications network, a desired communications service being accessible through at least one of the terminals, the computer processes the calls on the communication network to detect when a communications terminal

Art Unit: 3628

accessed to the communications network requests a communications service which requires a use of the prepaid monetary value associated to the user account, the computer authorizing the requested communications service in case the prepaid monetary value in the user account is sufficient to cover the payment of the requested communications service, creating database records with account numbers specifying such a user having at least one of the records containing a monetary value with the records being divided into a subscription number record and a prepaid calling card number record for the calling needs and into a voucher number record being for adding of a given amount to the user accounts for calling or to converting accounts of non-calling accounts, providing the user with an access number to the account which associates with a prepaid monetary through at least one intelligent node of the communications network, calling to a network service number for requesting the services implemented by the network service, selecting an access of the user between the desired database records, in response to the request connecting the user either to the calling services of the network or payment services of the network, changing the monetary value of either the calling user accounts or the converting user accounts by an amount desired by the authorized user, opening a prepaid account that is associated with an individual user account with an intelligent network loading service, loading the prepaid account with an amount purchased from a prepaid service provider, entering the amount of the prepaid balance into a record in said loading service provider, and transferring a requested amount from said prepaid account to said individual user. All of the dependent claims are rejected as they are dependent upon rejected independent claims. Baker does not teach the specifics of telephone operating and payment charging mechanics, but the applicant's background covers that matter in some detail as it is old and well known technology. Baker also does not describe the fundamental characteristics of a smart card.

Art Unit: 3628

Hayashida discloses (see columns 1-26) the fundamental characteristics of a smart card.

Because it would have been common sense and advantageous and would have provided a more comprehensive and efficient use of a smart card system, it would have been obvious to one skilled in the art at the time of the invention to have added the teachings of Hayashida to those of Baker, and to have added those of Baker to those of Hayashida for the same reasons.

3. Official Notice is taken that Baker's user interface telephone capability of filling a smart card with monetary value could just have easily been used to submit information from the smart card back to the original source of funds as well as to any other connection on the telephone, including a computer and a database at a telephone provider. The concept of storing financial information regarding credit balances and telephone subscription accounts in a computerized database is old and very well known. Smart cards are by definition prepaid cards, with the amount determined by the user, and can be used for non telephone purposes.

4. Note is taken by the examiner that should the applicant find objectionable any statements made herein by the examiner regarding Official Notice, Applicant can make a proper challenge to those statements only by providing adequate information or argument so that on its face it creates a reasonable doubt regarding the circumstances justifying those statements: a simple response requesting a reference without doing so, or a response that fails to logically refute the basic assumptions underlying the justification, will result in an improper and failed challenge and those unchallenged statements will remain the record of the case. Applicants must seasonably challenge those statements in the first response following an Office Action. If an applicant fails to do so, his right to challenge them is waived.

Art Unit: 3628

5. Response to Applicant's Arguments

The collective cited references in combination and with Official Notice fully disclose the invention. This application is also rejected because the **applicant has stated** at the top of page 10 in the amendment that "There has been new matter added as a result of the amendments (in both the specification and the claims)."

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on weekdays from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough, can be reached on (703)-305-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3628

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



RCF

8/6/2004



JEFFREY PWU
PRIMARY EXAMINER